IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 854 OF 2005

Pramod Narsibhai Chauhan. ....Appellant.
V/s
Kisan Thakurdas Amesar. ....Respondent.

Mr.P.S.Dani i/by M/s.Mulla & Mulla & CBC for the appellant.

CORAM: A.P.DESHPANDE, J.
27/7/07

PC:

The judgment of the Appellate Court reveals that there is no dispute that the provisions of Bombay Hotel & Lodging House (Rates) Control Act, 1949 (the "Act") are applicable to the shop premises which is the subject matter of the suit Perusal of section 29 sub-section (2) of the Act lays down that there shall be no further appeal against the decision in appeal under sub-section (1). Thus second appeal is not maintainable. It is as such dismissed. However learned counsel for the appellant submits that revision lie against the impugned order and thus seeks liberty to file revision. Dismissal of this appeal shall not come in way of the appellant to file revision if it is so maintainable in law. Learned counsel submits that the appeal was filed within limitation and hence application for condonation of delay that would be filed along with revision needs to be considered in the light of pendency of second appeal before this Court. I have no iota of doubt in my mind that pendency of second appeal would be a good ground for seeking condonation of delay.

27.7.07